IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

FRIDAY, THE 19TH JANUARY 2007 / 29TH PAUSHA 1928

WP(C).No. 1929 of 2007(D)

PETITIONER:

A.K.SASIDHARAN,
SUPERINTENDING ENGINEER & DEPUTY CHIEF ENGINEER,
IRRIGATION DEPARTMENT, PUBLIC OFFICE,
MUSEUM P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.ELVIN PETER P.J.
SRI.S.RAMESH
SRI.T.NAVEEN
SRI.C.X.ANTONY BENEDICT
SMT.POOJA SURENDRAN
SRI.PRADEEP KRISHNA

RESPONDENTS:
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1. THE PRINCIPAL SECRETARY TO GOVERNMENT,
WATER RESOURCES DEPARTMENT,
GOVERNMENT SECRETARITAT, THIRUVANANTHAPURAM.

2. STATE OF KERALA REPRESENTED BY
CHIEF SECRETARY TO GOVT. , SECRETARIAT,
THIRUVANANTHAPURAM.

BY GOVT. PLEADER SHRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

WP(C)No. 1929 OF 2007

Dated this the 19th January, 2007.

JUDGMENT

The petitioner is working as Superintending Engineer and Deputy Chief Engineer (Mechanical) in the Irrigation Department. According to the averments in the writ petition, he is entitled to be promoted to the post of Chief Engineer in preference to one Shri.Premachandran who is presently holding the post of Chief Engineer. The above claim is based on the seniority assigned to the petitioner after refixation. It is contended that the right of the petitioner to be considered for promotion to the post of Chief Engineer has been ignored by the respondents despite representations filed by him. The petitioner is due to retire from service on superannuation by the end of this month. Exts.P14 and P15 representations are pending with the first respondent. It is further contended that since the petitioner is denied the opportunity to hold the post of Chief Engineer and earn emoluments and other service benefits consequent on such appointment, he is entitled to be retained in service beyond the date of superannuation, for, the above circumstances constitute a special circumstance or a special reason as contemplated in Rule 60 (a) of Part I K.S.R.

2. Heard both sides. The first respondent has got a duty to consider Exts.P14 and P15 and to pass orders in accordance with law at the earliest, especially for the reason, that the petitioner is due to retire from service shortly. Counsel for the petitioner submits that Exts.P14 and P15 can be considered as appeals preferred in terms of Rule 24 of Kerala Civil Services (Classification, Control and Appeal) Rules 1960 and therefore a statutory duty is cast on the first respondent to pass orders in accordance with law. In the circumstances, there shall be an order directing the first respondent to consider Exts.P14 and P15 having regard to all relevant aspects as also the statutory provisions governing the claim and pass orders within one month from the date of receipt of a copy of the judgment, preferably before 31.1.2007. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the first respondent for compliance. Writ petition is disposed of accordingly.

K.K.DENESAN
Judge

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